



[9111-14]

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651-0111]

Agency Information Collection Activities:

Arrival and Departure Record (Forms I-94 and I-94W) and Electronic System for Travel Authorization

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 30-Day notice and request for comments; revision of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: CBP Form I-94 (Arrival/Departure Record), CBP Form I-94W (Nonimmigrant Visa Waiver Arrival/Departure), and the Electronic System for Travel Authorization (ESTA). This is a proposed extension and revision of an information collection that was previously approved. CBP is proposing that this information collection be extended with a revision to the information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]** to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to oir_submission@omb.eop.gov or faxed to (202) 395-5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Regulations and Rulings, Office of Trade, 90 K Street, NE, 10th Floor, Washington, D.C. 20229-1177, or via email (CBP_PRA@cbp.dhs.gov). Please note contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs please contact the CBP National Customer Service Center at 877-227-5511, (TTY) 1-800-877-8339, or CBP Web site at <https://www.cbp.gov/>. For additional help: <https://help.cbp.gov/app/home/search/1>.

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** (81 FR 40892) on June 23, 2016, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3507). The comments should address: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the

burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden, including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Arrival and Departure Record, Nonimmigrant Visa Waiver

Arrival/Departure, and Electronic System for Travel Authorization (ESTA)

OMB Number: 1651-0111

Form Numbers: I-94 and I-94W

Abstract:

Background:

CBP Forms I-94 (Arrival/Departure Record) and I-94W (Nonimmigrant Visa Waiver Arrival/Departure Record) are used to document a traveler's admission into the United States. These forms are filled out by aliens and are used to collect information on citizenship, residency, passport, and contact information. The data elements collected on these forms enable DHS to perform its mission related to the screening of alien visitors for potential risks to national security and the determination of admissibility to the United States. ESTA applies to aliens seeking to travel to the United States under the Visa Waiver Program (VWP) and requires that VWP travelers provide information electronically to CBP before embarking on travel to the United States without a visa.

Travelers who are entering the United States under the VWP in the air or sea environment and who have a travel authorization obtained through ESTA are not required to complete the paper Form I-94W.

Pursuant to an interim final rule published on March 27, 2013 in the Federal Register (78 FR 18457) related to Form I-94, CBP has partially automated the Form I-94 process. CBP now gathers data previously collected on the paper Form I-94 from existing automated sources in lieu of requiring passengers arriving by air or sea to submit a paper I-94 upon arrival. Passengers can access and print their electronic I-94 via the website at www.cbp.gov/I94.

ESTA can be accessed at: <https://esta.cbp.dhs.gov>. Samples of CBP Forms I-94 and I-94W can be viewed at: <http://www.cbp.gov/document/forms/form-i-94-arrivaldeparture-record> and <http://www.cbp.gov/document/forms/form-i-94w-visa-waiver-arrivaldeparture-record>.

Recent Changes

On December 18, 2015, the President signed into law the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015 as part of the Consolidated Appropriations Act of 2016. To meet the requirements of this new Act, DHS strengthened the security of the VWP by enhancing the ESTA application and Form I-94W. In two recent emergency submissions under the Paperwork Reduction Act, additional questions were added to ESTA and to Form I-94W that request information from applicants about countries to which they have traveled on or after March 1, 2011; countries of which they are citizens/nationals; countries for which they hold passports; and Global Entry Numbers.

Proposed Changes

DHS proposes to add the following question to ESTA and to Form I-94W:

“Please enter information associated with your online presence – Provider/Platform – Social media identifier.” It will be an optional data field to request social media identifiers to be used by highly trained CBP personnel for vetting purposes, and applicant contact information. Collecting social media identifiers will enhance the existing vetting process and provide DHS greater clarity and visibility to possible nefarious activity and connections by providing an additional selector which analysts and investigators may use to better assess ESTA applications. Social media information may be used to validate information provided in the ESTA application, such as countries visited, purpose of travel, etc. If an applicant chooses not to fill out or answer questions regarding social media, the ESTA application can still be successfully submitted. If an applicant chooses to answer this question, DHS will have visibility of the publicly available information on those platforms, consistent with the privacy settings the applicant has set on the platforms.

Current Actions: This submission is being made to extend the expiration date with a change to the information collected as a result of adding a question about social media to ESTA and to Form I-94W, as described in the Abstract section of this document. There are no changes to the burden hours or to the information collected on Form I-94, or the I-94 website.

Type of Review: Revision

Affected Public: Individuals, Carriers, and the Travel and Tourism Industry

Form I-94 (Arrival and Departure Record):

Estimated Number of Respondents: 4,387,550

Estimated Time per Response: 8 minutes

Estimated Burden Hours: 583,544

Estimated Annual Cost to Public: \$26,325,300

I-94 Website:

Estimated Number of Respondents: 3,858,782

Estimated Time per Response: 4 minutes

Estimated Annual Burden Hours: 254,679

Form I-94W (Nonimmigrant Visa Waiver Arrival/Departure):

Estimated Number of Respondents: 941,291

Estimated Time per Response: 16 minutes

Estimated Annual Burden Hours: 251,325

Estimated Annual Cost to the Public: \$5,647,746

Electronic System for Travel Authorization (ESTA):

Estimated Number of Respondents: 23,010,000

Estimated Time per Response: 23 minutes

Estimated Total Annual Burden Hours: 8,812,830

Estimated Annual Cost to the Public: \$265,020,000

Dated: August 26, 2016

Seth Renkema,

Branch Chief, Economic Impact Analysis Branch

U.S. Customs and Border Protection

[FR Doc. 2016-20929 Filed: 8/30/2016 8:45 am; Publication Date: 8/31/2016]